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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/853,986	05/11/2001	David W. LaFore	7103-1-CIP	6862

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EXAMINER	
OYEBISI, OJO O	
ART UNIT	**PAPER NUMBER**
3628	

DATE MAILED: 04/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/853,986	LAFORE ET AL.	
	Examiner	Art Unit	
	OJO O. OYEBISI	3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 January 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,2,5-10,13,14 and 16-28* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,2,5-10,13,14 and 16-28* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

In the amendment filed on 01/12/06, the following have occurred: claims 1, 13, 25 have been amended, claims 3-4, 11-12, and 15 have been cancelled, a new claim 28 has been added. Claims 1, 2, 5-10, 13-14, and 16-28 are pending in the present application, and claims 1, 2, 5-10, 13-14, 16-28 stand rejected in this office action.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 5 is rejected because it recites the limitation "computer software means" in claim 1. There is insufficient antecedent basis for this limitation in the claim. Claim 1 recites more than one computer software means, and it is not clear to the examiner which software means the applicant is referring to.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-2, 5-10, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kalmus et al (Kalmus hereinafter, U.S PAT: 4,674,044) in view of Hawkins et al (Hawkins hereinafter, U.S PAT: 6,029,146)

Re claim 1: Kalmus discloses a data processing system for managing broker transaction information in compliance with governmental regulations, comprising:

(a) computer processor means for processing data (see fig 1. element 10)

(b) storage means for storing said data on a storage medium (see fig.2 element 54, also see col.6, lines 13-15);

(c) communication means for transmitting data in a secure environment to and from various remote locations (see fig.1, element 25, also see col.4, lines 40-45); **and storing said data in said main database** (see fig.2 element 54, also see col.6, lines 13-15).

(d) First computer software means for creating trade data concerning **particular trades** in the form of a trade records to be executed and not yet settled (i.e., load order data, see fig.2, element 51),

(e) Second computer software means for reviewing said trade data from said first compute software means, and for approving/disapproving of the trade records to be executed and not yet settled (i.e., if the price or buy size tests performed fail, or if the order size test performed indicates the order is too large; the order is not qualified for (i.e., whether or not each received order can be executed) and will not be executed, see col.6 lines 48-55). Kalmus does not explicitly disclose means for monitoring the

modification of trade data in respective trade records which are created by said first computer software means and stored in said main database, said means for monitoring including means for displaying trade record data in the form of an audit identifying users who have modified trade records; third computer software means for maintaining security measures for said data processing system to prevent unauthorized access and use of said trade data, and Means for monitoring log-in to said data processing system. However, Hawkins discloses means for monitoring the modification of trade data in respective trade records which are created by said first computer software means and stored in said main database (i.e., by attaching dates and tracking the flow of messages, the system allows secured trading and tracing trading activities such as the changes, additions, or deletion made to the data, see col.10, lines 50-55), said means for monitoring including means for displaying trade record data in the form of an audit identifying users who have modified trade records (see summary/report screen, col.15, lines 50-65, also see "view menu", col.16, lines20-35); third computer software means for maintaining security measures for said data processing system to prevent unauthorized access and use of said trade data (see fig. 9, elements 304, 338,340, and 342), and Means for monitoring log-in to said data processing system (see fig.9, element 342). Thus, it would have been obvious to one of ordinary skill in the art to incorporate the teachings of Hawkins into Kalmus to facilitate secured trading environment.

Re claim 2: Kalmus further discloses a data processing system as stated supra wherein said computer software means further comprises: means for inputting and storing system information on said storage means (see col. 3, lines 62-68).

Re claim 5: Kalmus further disclose a data processing system, as claimed in claim 1, further comprising: means for monitoring the activity of a particular broker representative who enters trade data through said computer software means (i.e., controlled apparatus that monitors the securities position of the market maker, see col.1 lines 42-52).

Re claim 6: Kalmus discloses a data processing system as stated supra further including: means for outputting information regarding a particular trade (i.e., the system reports the executed trade details to the customer, and to national stock price reporting systems, see abstract).

Re claims 7 and 8: Kalmus does not explicitly disclose a data processing system further including: means for creating and outputting daily trade blotter information, and checks/securities blotters. However, Hawkins makes this disclosure (see col. 16, lines 5-35). Thus, it would have been obvious to one of ordinary skill in the art to modify Kalmus to include means for creating and outputting daily trade and checks/securities blotters of Hawkins to provide a quick view of the status of the orders and execution.

Re claim 9: Kalmus does not explicitly disclose a data processing system further including: means for creating and outputting buy and sell tickets

(i.e., transaction information). Hawkins makes this disclosure (see col.15, lines 50-67). Thus, it would have been obvious to one of ordinary skill in the art to modify Kalmus to include Hawkins to make matching orders and executions easy.

Re claim 10: Kalmus discloses a data processing system, as claimed in claim 1, further including: means for creating and outputting client activity logs (i.e., the system reports the executed trade details to the customer, and to national stock price reporting systems, see abstract).

Re claim 28. Kalmus discloses method of managing and processing broker transaction data, said method comprising the steps of:

providing a data processing system including a computer proccessor means for processing (see fig 1. element 10); storage means including a main server database for storing said data (see fig.2 element 54, also see col.6, lines 13-15), and communication means for electronically transmitting and receiving data in a secure environment to and from various remote locations (see fig.1, element 25, also see col.4, lines 40-55); inputting broker transaction data by means of a first computer software means on a remote computer of the data processing system reflective of a trade of a security to be executed and not yet settled (i.e., load order data, see fig.2 element 51); forwarding the broker transaction data to a main computer communicating with the main server database (see col.4 lines 60-67), recording the transaction data in the form of an original trade record (i.e., receives and store..., see col.4 lines 22-25); .

Kalmus does not explicitly disclose forwarding the original trade record to a second remote computer for review facilitated by a second computer software means to include approval/rejection of original trade record by a user of the second computer, returning the original trade record to the main server database including an indication of the approval/rejection by the of the second computer; returning approved/rejected original trade record to the first computer for evaluation by the user of the first computer. Hawkins makes this disclosure (see col.13, line 34 to col.15 line 65); Neither Kalmus nor Hawkins discloses changing an element of data on the original trade record; recording the change of data in the original trade record in the main database, and creating a display in the form of comparison in the form of a comparison showing the original trade record, and the original trade record as amended with the changed element. However, the examiner asserts that such is routinely done in most financial systems and/or in documents having a high degree of importance. For example, such is routinely done in the patent field whereby attorneys usually amend their related patent applications and record and indicate the changes. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to provide these teachings in Hawkins in order to clearly show a complete history of trade transactions of an inventor or broker.

5. Claims 13-14, and 16-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hawkins

Re claim 13: Hawkins further discloses a method as stated supra said method comprising the steps of: inputting broker transaction data by a computer logged onto a website linked to a data processing system including a main database (see abstract, see fig.2, see fig.5, also see fig.6), said broker transaction data is reflective of a trade of a security(i.e., security order, see col.3 lines 25-40); posting the original trade record on a user screen for availability by a branch manager (i.e., broker supervisor) who then approves/disapproves the original trade record; posting the approved/disapproved original trade record by the branch manager (i.e., broker supervisor) on the main database;

posting the approved/rejected original trade record on a user screen for availability by a broker representative (see col.13, line 34 to col.15 line 65). Hawkins does not explicitly disclose changing an element of data on the original trade record; recording the change of data in the original trade record on the main database; creating a display in the form of a comparison audit report showing the original trade record, and the original trade record as amended with the changed data element, and wherein said method takes place in the data processing system, and said transaction data and said trade record are manipulated electronically However, the examiner asserts that such is routinely done in most financial systems and/or in documents having a high degree of

importance. For example, such is routinely done in the patent field whereby attorneys usually amend their related patent applications and record and indicate the changes. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to provide these teachings in Hawkins in order to clearly show a complete history of trade transactions of an inventor or broker.

Re claim 14: Hawkins further discloses a method wherein: transfer of the transaction data and the trade record is conducted in a secure environment by encryption and decryption (i.e., user's encrypted key, see col.12, lines 62-67) and decryption (i.e., the user's account is called from the personal computer memory, see col.12, lines 62-67).

Re claim16: Hawkins further discloses a method further including the steps of: managing a plurality of trade records; and creating an output reflective of the plurality of trade records in the form of a desired report (see col. 12, lines 25-35).

Re claims 17 and 18: Hawkins further discloses a method wherein said desired report is a daily trade blotter information, and check/securities blotter (see col. 16, lines 5-40).

Re claim 19: Hawkins further discloses a method wherein said desired report is in the form of a buy and sell ticket (i.e., transaction info, see col.15, lines 50-67).

Re claim 20: Hawkins further discloses a method wherein said desired report is in the form of a client activity log (i.e., summary/report screen,see col. 15, lines 50-67).

Re claim 21: Hawkins further discloses a method wherein said desired report is in the form of a trade audit report (see col.16, lines 20-35).

Re claim 22: Hawkins further discloses a method further including the steps of: inputting authentication data to gain authority to access the data processing system including a password, user ID, and system ID; and verifying the authentication data to determine access to the data processing system (see col.12, lines 20-60, also col. 14, lines 10-35).

Re claim 23: Hawkins further discloses a method further including the step of: creating an output in the form of a log-ins (i.e., user's account) report reflective of log-ins made to the data processing system (see fig.9, element 342, also see col.12, lines 64-67).

Re claims 24 and 26: claims 24 and 26 contain limitations recited in claim 13 and these limitations are rejected under a similar rationale. As per the features relating to providing communications in the form of an Email message, Hawkins discloses features in their systems such as LAN, log-ins, TCP/IP, and IP addressing that can carry out the aforementioned disclosure (i.e., features relating to providing communications in the form of an Email message). Further, Hawkins systems is set up as stated supra to process and transmit financial data from one broker/dealer post to another, and since Email message is a form of data, one of ordinary skill

in the art would have been motivated to use same to transmit Email message in order to provide recipients with instant information regarding particular orders or transactions.

Re claims 25 and 27: Hawkins further discloses a method wherein all posting steps are achieved by secure electronic transmission using encryption and decryption. Hawkins discloses a method wherein all posting steps are achieved by secure electronic transmission using encryption and decryption (i.e., user's encrypted key, see col.12, lines 62-67) and decryption (i.e., the user's account is called from the personal computer memory, see col.12, lines 62-67).

Response to Arguments

Applicant's arguments filed 01/12/06 have been fully considered but they are not persuasive.

The applicant argues in substance that neither Kalmus nor Hawkins teaches or suggests the claimed means for monitoring modification of trade data. First, the examiner never claimed that Kalmus disclosed means for monitoring modification of trade data. However, the secondary reference of record, Hawkins, discloses a system that tracks the flow of messages; allows secured trading; and trace trading activities such as the changes, additions, or deletions, made to the data (see col.10, lines 50-55). The examiner asserts that Hawkins means of tracing trading activities such as the changes, additions, or deletions, made to the data constitutes applicant's means for monitoring modification of trade data. Although, the applicant argues that what is traced in Hawkins is not changes

made to a broker's order prior to the order being made, but only after a transaction has been completed. In other words, the applicant is suggesting that the tracing in Hawkins is done after the trade is already settled. Contrary to the applicant's argument, Hawkins explicitly discloses in the abstract of his disclosure that his system allows clearing agents to monitor orders before the orders are executed, minimizing risk and improving settlement rates. The examiner challenges the applicant to point out what section of Hawkins discloses that what is traced in Hawkins is not changes made to a broker's order prior to the order being made, but only after a transaction has been completed.

The applicant further argues in substance that neither Kalmus nor Hawkins discloses the claimed means for approving/disapproving of the trade records to be executed and not yet settled. Contrary to the applicant's argument, the examiner asserts that Kalmus explicitly discloses this claimed feature. Kalmus clearly states that if the price or buy size tests performed fail, or if the order size test performed indicates the order is too large; the order is not qualified for (i.e., whether or not each received order can be executed) and will not be executed, see col.6 lines 48-55. In fact, one of the main inventive features of Kalmus is means for qualifying the orders (see abstract) i.e., each received order is first determined whether or not it can be executed. It is suffice to say that the process of orders qualification in Kalmus wherein orders that pass the size test are executed and orders that fail the size test are not executed constitutes "approving/disapproving of the trade records to be executed and not yet settled" as disclosed by the applicant.

Lastly, the applicant further argues that neither Kalmus nor Hawkins discloses the limitations "creating a display in the form of a comparison audit report showing the original trade record, and the original trade record as amended with the changed data element, and wherein said method takes place in the data processing system." The examiner never made such a claim in this office action or the previous office action. However, the examiner does assert that the limitation stated hereinabove is routinely done in most financial systems and/or in documents having a high degree of importance. For example, such is routinely done in the patent field whereby attorneys usually amend their related patent applications and record and indicate the changes, and thus it would have been obvious to one of ordinary skill in the art at the time of the invention was made to provide this teaching in Hawkins in order to clearly show a complete history of trade transactions of an inventor or broker.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory

action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OJO O. OYEBISI whose telephone number is (571) 272-8298. The examiner can normally be reached on 8:30A.M-5:30P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, HYUNG S. SOUGH can be reached on (571)272-6799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HYUNG SOUGH
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